

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 2 and 14 are cancelled without prejudice to or disclaimer of the subject matter set forth therein. Claims 1 and 3-13 are pending. Claims 1 and 3-13 are amended. Claim 1 is independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claims 2-7 and 9-14 would be allowable if rewritten in independent form. The Applicant thanks the Examiner for the early indication of allowable subject matter in this application.

In response, independent claim 1 has been amended to incorporate the allowable subject matter of objected-to claim 2. Therefore, independent claim 1 is in condition for allowance.

Drawings

It is gratefully appreciated that the Examiner has accepted the drawings.

Claim for Priority

It is gratefully appreciated that the Examiner has acknowledged the Applicant's claim for foreign priority.

Information Disclosure Citation

The Applicant thanks the Examiner for considering the reference supplied with the Information Disclosure Statement filed on April 18, 2005, and for providing the Applicant with an initialed copy of the PTO-1449 form filed therewith.

Regarding the IDS filed on February 8, 2005, another IDS (including copies of English translations of the Abstracts for JP 63-52902, JP 2000-308663, and JP 2001-037828) is being filed concurrently with this amendment. Since these references were previously disclosed, no fee is due at this time.

Obviousness-Type Double Patenting Rejection

Claims 1 and 8 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/170,470 to Yamanaka et al. This rejection is respectfully traversed.

Since independent claim 1 has been amended to include the subject matter of claim 2, this rejection has been overcome. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Under 35 U.S.C. §102(e)

Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by Chen (U.S. 6,4559,261). This rejection is respectfully traversed.

Amendments to Independent Claim 1

As noted above, and while not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 1 has been amended to incorporate the allowable subject matter of objected-to claim 2.

At least for the reasons explained above, the Applicant respectfully submits that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Chen.

Therefore, independent claim 1 is in condition for allowance.

Dependent Claims

The Examiner will note that dependent claims 2 and 14 have been cancelled, and dependent claims 3-13 have been amended to place them in better form.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e) are respectfully requested.

All pending claim are now in condition for allowance.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Dated: May 2, 2007

Respectfully submitted,

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